

1 be accurate. All reports were corrected, and it was
2 brought to the attention of Jeff Ramirez.

3 When it was brought to the attention of
4 Jeff Ramirez, he seemed to do whatever needed to be
5 done regarding the public file when it was brought to
6 his attention, so I would say that that seems to be an
7 accurate statement to me.

8 Q It seems to be an accurate statement?

9 A Yes.

10 Q Okay. I just wanted to make sure I heard
11 you.

12 A Yes, an accurate statement.

13 Q With respect to Point 5, looking at
14 Enforcement Bureau Exhibit 21 after 5 Ms. Sawaya's
15 memo states, ownership reports are now completed and
16 current. Donor support for specific programs is non-
17 applicable. Issues and programs listings are current,
18 and back listings are in the process of being
19 completed to the best of our ability.

20 In terms of the back listings are in the
21 process of being completed to the best of our ability,
22 what is she talking about, so far as you know?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 A What I believe she was discussing was the
2 work that I've been tasked to do regarding the Public
3 File, bring it up to -- out of conversations with our
4 attorneys to make sure that the Public File could
5 accurately respond to the FCC and say that the Public
6 File is up to date and current now.

7 What she was referring to was the task
8 I've been doing regarding the public file regarding
9 making the quarterly -- make sure there is a folder
10 for each quarter of the -- as far back as we could up
11 to the current time and right then at the end of 2000
12 and make sure that there was information about KALW's
13 issues and programs as best we could for every quarter
14 in that time right up to when the letter was being
15 drafted back to the FCC.

16 Q Do you have any knowledge as to
17 approximately how much time it took to prepare EB
18 Exhibit 21 in terms of the March 8, 2001, memo?

19 A I'm sorry, how long it took to prepare
20 what?

21 Q The memo, EB Exhibit 21, the memo. Do you
22 have any knowledge as to approximately how long it

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 took to prepare?

2 A I don't have -- I didn't prepare it, so I
3 don't recall how long it took to prepare it.

4 Q It wasn't something that you and Ms.
5 Sawaya talked about?

6 A On specific answers to questions, I don't
7 recall. We certainly talked about information that we
8 prepared that she had gotten from me, but I don't
9 recall specifically sitting down with her and saying,
10 all right, let's work on Number 1, let's work on
11 Number 2, let's work on Number 3.

12 Q Well, considering EB 17 which we had
13 talked about and where this was Mr. Sanchez sending an
14 e-mail to Susan Jenkins, and the e-mail read, Nicole,
15 Bill called today to review the work on the FCC's
16 questions. They will be sending draft answers by the
17 end of the week.

18 I was wondering with that in mind and that
19 e-mail and the conversation referred to was March 6,
20 and this memo, EB 21, we're looking at is now March
21 8th, so it's two days later. With that in mind, I was
22 wondering if you had any knowledge as to how long it

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 took to prepare the memo that appears as EB Exhibit
2 21.

3 A I still don't -- I don't know what the
4 status of the information of her March 8th memo was on
5 March 6, or if she had even started it yet, so I don't
6 know how long it took to create the memo.

7 Q Did you transmit EB Exhibit 21 and the
8 Ownership Reports that are attached thereto to Ms.
9 Jenkins?

10 The basis for my question is for your
11 counsel, and then you can look at it for us, EB
12 Exhibit 35, Page 1, the reference that appears
13 following March 15, 2001.

14 My question was did you transmit EB
15 Exhibit 21 and the attachments to Ms. Jenkins or Mr.
16 Sanchez?

17 A I don't recall actually doing the faxing
18 of it, but I very well might have.

19 Q Well, we get to EB Exhibit 35, Page 1, and
20 the reference to March 15, 2001, which under -- which
21 next to SMJ which would be Susan Jenkins reads,
22 reviewed memo and attachment from Ms. Sawaya and Mr.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Helgeson for response to FCC reg public file. Was
2 there -- did you send a separate response to Ms
3 Jenkins or Mr. Sanchez?

4 A I don't recall sending any separate
5 response to them, no.

6 JUDGE SIPPEL: He's been on the stand for
7 two hours and 15 minutes by my count. I think we
8 ought to take a little respite here, a little break.

9 THE WITNESS: Thank you, Your Honor.

10 JUDGE SIPPEL: All right let's say -- I
11 have almost quarter of. That's what my watch says.

12 MR. DUNCAN: We no longer have a clock.

13 JUDGE SIPPEL: I no longer have a clock,
14 so let's come back at just a little after 4. We're in
15 recess.

16 (Whereupon, the above-entitled matter went
17 off the record at 3:42 p.m. and resumed at 4:01 p.m.)

18 JUDGE SIPPEL: Mr. Helgeson, you're still
19 on the stand, and this is Page 3 to the 12 A Exhibit.

20 THE WITNESS: Yes, sir.

21 JUDGE SIPPEL: Thank you.

22 MR. SHOO: Mr. Helgeson, according to your

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 testimony at Page 12 which is SFUSD Exhibit T2, Page
2 2, when you looked at the public inspection file in
3 August 2001, "it was a complete mess" and that here
4 basically on Line 6 in responding to the question,
5 what did you find when you looked at the PIF after
6 receiving the LOI.

7 Page 6 reads, when I looked at the PIF it
8 was a complete mess, nothing was organized, etcetera.
9 During your time as the stand-in General Manager
10 before Ms. Sawaya became the General Manager, had you
11 placed any documents in the Public Inspection File?

12 THE WITNESS: Prior to that -- referring
13 to that February inspection, I don't recall placing
14 documents in there during that time when I was the
15 stand in in late 2000 and beginning of 2001, placing
16 documents. I don't recall placing any documents.

17 BY MR. SHOOK

18 Q So on or about January 10th you had not
19 placed -- in the January 10th 2001, you had not placed
20 issues programs lists for the fall, 2000 quarter which
21 would have been October, November, December of 2000?

22 A At that time I don't recall placing those

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 in. I was just at that time still waiting for the new
2 General Manager to be -- I had been making my phone
3 calls downtown for a new general -- trying to find out
4 when they were going to assign a new General Manager,
5 and dealing with a staff that consisted of me and four
6 announcers, and by that time I had a fund-raising
7 coordinator.

8 It was not brought to my attention that I
9 recall that I should put that in the file, so I don't
10 believe that I at that time put anything in the public
11 file for that period of time.

12 Q I want to direct your attention now to
13 Enforcement Bureau Exhibit 48.

14 JUDGE SIPPEL: While we're turning to 48,
15 I want to express my gratitude to whoever graciously
16 put the clock back up on the wall.

17 MR. PRICE: Well we'll see how long it
18 lasts.

19 JUDGE SIPPEL: Now I know who did it.

20 (Whereupon, the above-entitled matter went
21 off the record at 4:06 p.m. and resumed at 4:09 p.m.)

22 MR. SHOOK: Mr. Helgeson, This document

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 bears a date of March 20, 2001. It appears to be from
2 you. Did you prepare this document?

3 THE WITNESS: I remember preparing this
4 document, yes.

5 BY MR. SHOOK

6 Q Now, in March - on March 20, 2001, what
7 relationship does Jackie Wright have to you?

8 A Jackie Wright at that time was the school
9 district official who was charged with overseeing the
10 radio station.

11 Q How long had she held that position?

12 A She received that position early in 2001.
13 I'm not sure of the exact date, but prior to Nicole
14 Sawaya being offered the job, Jackie Wright got -- was
15 hired by the District as Director of Public, I believe
16 it's Office of Public Engagement and Information, and
17 as part of her duties she oversaw KALW.

18 Q So if Nicole Sawaya was your first-line
19 supervisor, Jackie Wright would have been your second-
20 line supervisor?

21 A In an organizational chart, I would say
22 that it would be me and then up to Nicole and then up

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 to Jackie Wright.

2 Q On March 20, 2001, what relationship does
3 David Campos have to you?

4 A Mr. Campos is an attorney with -- who
5 handles legal matters in the legal office of San
6 Francisco Unified School District.

7 Q With respect to this -- this was a what,
8 a memo that you typed?

9 A I probably did it on a computer.

10 Q This isn't an e-mail, right?

11 A No, this appears to me to be something I
12 typed on my computer. The way it's formatted, that
13 what it appears to be.

14 Q Now, about the middle of the memo, there
15 is a paragraph that reads, finally last month a letter
16 comes from the FCC asking some questions of KALW
17 management. Working with Nicole Sawaya, Mr. Sanchez
18 is answering these questions. Mr. Sanchez's opinion
19 is that this is a sign the FCC is probably going to be
20 ruling on the license challenge soon.

21 Now, you're telling Ms. Wright and Mr.
22 Campos that Nicole is working with Mr. Sanchez

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 answering these questions?

2 A That's what I wrote here it appears, yes.

3 Q That was your understanding at the time?

4 A That was my understanding at the time. By
5 this time, she had been at KALW for -- by March 20th
6 she had been there for three weeks, and she was
7 working with Ernie Sanchez because we knew the
8 response was due soon.

9 Q What understanding did you have, if any,
10 as to why you didn't tell Ms. Wright and Mr. Campos
11 that you were also working with Mr. Sanchez to answer
12 these questions?

13 A I would expect because at that time I
14 wasn't answering the -- I wasn't preparing answers to
15 the questions. I was informing them of the -- I was
16 informing Ms. Sawaya and our attorneys of the work I'd
17 been doing related to preparing documents and bringing
18 the Public File up -- making sure it was up to date,
19 but I actually wasn't preparing answers to those -- or
20 assisting -- I wasn't preparing any answers to the
21 questions. I didn't see my role as that.

22 Q I'd like to direct your attention to EB

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Exhibit 23. Okay, I apologize. I should be referring
2 to SFUSD Exhibit 19. It's an identical document, but
3 ours has been stricken and yours is not.

4 JUDGE SIPPEL: Are we off the record?
5 Turn that recorder off.

6 WITNESS: No. I'm done. I'm okay. Okay.

7 MR. SHOOK: Did you read SFUSD Exhibit 19
8 on or about March 26, 2001?

9 THE WITNESS: I remember seeing this memo
10 about that time, yes.

11 BY MR. SHOOK

12 Q Did you agree with Nicole's assessment
13 that by March 26, 2001, the public file was then in
14 excellent order?

15 A I would say that about that time given
16 when we started -- when I started doing the document
17 preparation and so on in February that by about that
18 date, the 26th, that would have been an accurate
19 answer.

20 Q In the six weeks previous to March 26,
21 2001, had you personally spent hours getting the
22 public file in order?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 A I don't remember exactly how many hours I
2 had spent on it, and it was hours.

3 Q It was hours.

4 A But I don't recall -- I don't have a
5 calendar where I can tell you two hours here, or x
6 number of hours on this date.

7 Q Well, I mean, in the previous six weeks,
8 didn't it involve a substantial amount of your time?

9 A All together, it's hours. Again, I don't
10 remember how many hours I put in on it. I was
11 certainly working on other things at the station at
12 the very same time. It wasn't the only thing I was
13 working on.

14 Q Oh, right. Was it the most significant
15 project that you were working on in those six weeks
16 though?

17 A Gosh, I can't think of what else I was
18 working on that I would consider more significant.

19 Q I'd like to refer your attention now, Mr.
20 Helgeson, to SFUSD Exhibit 20. Excuse me, we're
21 getting our numbers mixed up here. EB Exhibit 24.

22 JUDGE SIPPEL: Get off the record, please.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Thank you.

2 (Whereupon, the above-entitled matter went
3 off the record at 4:19.m. and resumed at 4:20 p.m.)

4 Q Exhibit 24 on or about March 28, 2001?

5 A I believe that I did see this memo right
6 about that time. I see that I'm cc'd on it.

7 Q Did you understand that it was a response
8 from Mr. Sanchez to Ms. Sawaya's memo which requested
9 among other things she was wondering whether the reply
10 to the FCC had been written yet?

11 A It seems to be a response to her e-mail.

12 Q It reads, we expect to have a draft reply
13 ready by Monday and will share it with you and the
14 others. At that point did you have an understanding
15 that you were going to be reading some draft reply
16 from Mr. Sanchez?

17 A At that point I would have assumed that he
18 was going to be sending it, and somehow we were all
19 going to be -- he was sending it to all of us here,
20 and that it would be for our -- at the station and
21 SFUSD our feedback on it or to review it.

22 Q Now according to EB Exhibit 35, Page 2,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 there's an entry for March 28, 2001, for SMJ which we
2 understand to be Susan Jenkins, and it says, work on
3 preparation of response to FCC; reviewed e-mails among
4 Mr. Sanchez, Ms. Sawaya, Mr. Helgeson; reviewed
5 documents provided by client.

6 First of all, do you know what e-mails
7 that Ms. Jenkins is referring to when it says e-mails
8 among Mr. Sanchez, Ms. Sawaya, and Mr. Helgeson?

9 A I'm not certain what specific e-mails she
10 is referring to by just this comment on here.

11 Q When it says review documents provided by
12 client, do you know what she's referring to there?
13 This is now March 28, 2001.

14 A Just from that reference there, I don't
15 know which document which she's referring to, which
16 specific ones, no, just from this line.

17 Q The next document I'd like to refer your
18 attention to is SFUSD Exhibit 14.

19 JUDGE SIPPEL: Is this the one that's
20 handwritten?

21 MR. SHOOK: Yes.

22 JUDGE SIPPEL: Go off the record.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 (Whereupon, the above-entitled matter went
2 off the record at 4:24 p.m. and resumed at 4:26 p.m.)

3 MR. SHOOK: We understand these notes to
4 have been taken by Susan Jenkins, and they apparently
5 refer to a phone conversation with Bill on either
6 March 29 or March 30 of 2001. The format of the notes
7 appears to be similar to or in trying to deal with the
8 FCC's letter questions 1 and 2.

9 Do you recall having a conversation with
10 Susan Jenkins going over the responses to the FCC's
11 inquiry letter, Questions 1 and 2?

12 THE WITNESS: I don't recall that we
13 specifically went over -- I recall in my conversations
14 with them that I told them -- I informed that of what
15 we had been doing on the public file in bringing it up
16 to date now. I don't recall being asked for a
17 specific -- and from the information I gave them, they
18 were going to be format -- formulating answers to the
19 questions.

20 I've seen -- I've been getting ready for
21 this hearing, my attorneys have shown me a copy of
22 this. I'd never seen it until they showed it to me.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 From looking at it, it seems more that
2 it's not about -- I don't see where it's about one and
3 two. One and two were about the status of the file as
4 of 1997, I think, and these seem more about is the
5 public -- if you look at Question 5, again, I've been
6 reading all this quite a bit lately, it seems just
7 from looking at the handwritten notes that are here.
8 It's regarding the -- see the dates there go on and
9 through 97, 98, 99, 2000, 2001. That's in response to
10 the question, is the Public Information File up to
11 date and complete now.

12 That's how I'm -- that's my interpretation
13 of this, these notes of hers.

14 BY MR. SHOOK

15 Q Following Number 2. What about following
16 Number 1 though?

17 A Again, this referring -- this seems to be
18 referring to matters, again what's the public
19 information -- is the information in the Public
20 Information File up to date and complete now. It
21 seems to be answering -- that's best as I can read her
22 handwriting and see a few words here from this copy.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Q Right, I recognize that it's difficult.
2 The part that is catching my attention is following
3 Number 1. It reads, "all required renewal 90" and
4 then that's circled with a question mark above it,
5 "and 97," and then there's a parenthesis or some other
6 mark afterwards and "supplemental except supplemental
7 for 1995 to report results of November 1994 election."
8 This report was, in fact, filed and then it looks like
9 placed in public file on December 10, 1997.

10 Is that something that you told Ms.
11 Jenkins?

12 A I don't recall telling her that in that
13 meeting. Whatever was regarding the public file and
14 what was placed in the public file in 1997 she would
15 have heard about from her conversations or her notes
16 with regards to Jeff Ramirez who was overseeing what
17 should and shouldn't be in the -- who was stating what
18 was in the file in '97.

19 Q Even though this says phone conversation
20 with Bill, you don't remember telling her that the
21 report that result -- reported the results of the
22 November '94 election wasn't placed in the file until

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 December 10, 1997?

2 A That, I don't recall telling her that.
3 Now it's possible -- potentially maybe these notes --
4 these were her notes, but they were all from the phone
5 conversation or just other notes she was taking. That
6 I don't know.

7 Q Fair enough. Did you tell her that the
8 report, Supplemental Report for 1993, that reported
9 the results of the November 1990, excuse me. Did you
10 tell her that the Supplemental Reports for 1993 which
11 reported the results of the November, 1992 election
12 was also not placed in the public file until December
13 10, 1997?

14 A That doesn't appear here. I don't have
15 any recollection of telling her that in a phone call.
16 Perhaps --

17 Q Did you tell Susan Jenkins that copies of
18 issues programs lists had been placed in KALW's public
19 inspection file on the tenth day of the month of
20 January, April, July and October each year beginning
21 in 1991 and continuing through July of 1997?

22 A I had no knowledge of that. That being

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 the case, other than Jeff Ramirez certifying to that
2 that the file was completed in 1997. I had no
3 independent recollection of that, and I wouldn't have
4 told her that.

5 Q Well did you tell her then that you had
6 put all issues programs lists in the various quarterly
7 files for the quarters that began in January of '91
8 and through July of '97 in the public file just
9 recently?

10 A What I had told her was then that what we
11 were doing was bringing the file what they wanted me
12 to do is to bring the file up to date now. We placed,
13 as we know KALW made sure that there was a KALW
14 program guide list and other documents so that there
15 was something in the public file for every quarter
16 from as far back as we could go, it looked like '91,
17 I forget the exact year, right up to current, to 2000.
18 She knew that's what we were doing.

19 Q I'd now like to direct your attention to
20 SFUSD Exhibit 20.

21 JUDGE SIPPEL: Okay, go off the record
22 while he reads it.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 (Whereupon, the above-entitled matter went
2 off the record at 4:34 p.m. and resumed at 4:36 p.m.)

3 MR. SHOOK: Now, according to this
4 Exhibit, you were cc'd on this email. Did you receive
5 this email on or about April 3, 2001?

6 THE WITNESS: Yes, I received this on or
7 about -- on that date or I guess -- yes -- or the next
8 day. Yes.

9 Q Did you read it?

10 A Yes, I did read it.

11 Q On or about April 3, 2001?

12 A Yes.

13 Q I'd like you now to turn your attention to
14 EB Exhibit 27.

15 JUDGE SIPPEL: We're off the record again.

16 (Whereupon, the above-entitled matter went
17 off the record at 4:37 p.m. and resumed at 4:37 p.m.)

18 MR. SHOOK: Did you create EB Exhibit 27?

19 THE WITNESS: Yes, I created this email.
20 Yes.

21 Q Now, it states in there, "Yesterday, I had
22 approximately a one hour phone call with Ernie Sanchez

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 and his associate, Susan Jenkins, relating to the
2 response they were creating to the latest
3 communication from the FCC. The conversation related
4 to what documents were (or should be) in KALW's public
5 file... ownership reports, quarterly issue reports and
6 donor lists."

7 Now, just to get our chronology
8 straightened out here, when I look at EB Exhibit 35,
9 Page 2, about halfway through the page, first there's
10 a reference to March 30 and then it skips over to
11 April 2.

12 If you look at the April 2 reference,
13 you'll notice that next to SMJ, what it reads is work
14 on response to FCC letter including numerous telephone
15 conversations with Mr. Helgeson and Ms. Sawaya and Ms.
16 Jenkins spent ten hours that day working on these
17 matters.

18 I just wanted to clarify whether or not EB
19 27 was accurate to the extent that it suggests that
20 first of all, April 2 was a Tuesday. It appears from
21 SFUSD Exhibit 3 that April 2 was a Monday.

22 So when there's a reference to yesterday,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 I presume that what we're talking about is Monday,
2 April 2 as opposed to Sunday, April 1.

3 A Yes. I'm trying to look -- I was looking
4 on this one email to see if it was dated in some way.
5 That might be at the top line.

6 Q The top line.

7 A Yes.

8 Q The top line bears a date of April 3.

9 A I sent it to Nicole on -- it looks like I
10 sent this to Nicole on April -- the afternoon of April
11 3 and I was referring to Tuesday, April 2.

12 Q No matter how hard we try, I don't think
13 we can make April 2 a Tuesday.

14 A Okay.

15 MR. DUNCAN: Mr. Helgeson doesn't have a
16 calendar in front of him. But what you need to know,
17 Mr. Helgeson, is that the 3rd was a Tuesday and the 2nd
18 was a Monday.

19 THE WITNESS: 2nd was Monday, so --

20 MR. DUNCAN: According to Mr. Shook, who
21 I trust.

22 THE WITNESS: Yes. Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. SHOOK: Very dangerous.

2 THE WITNESS: The 2nd is a Monday. Yes.
3 So obviously, I shouldn't have -- that was me making
4 a mistake saying Tuesday, April 2.

5 BY MR. SHOOK:

6 Q All right. So, with EB 27 and EB 35, Page
7 2, the reference to April 2, does that help place in
8 time that you had either one or more conversations
9 with Susan Jenkins on April 2 concerning the FCC
10 letter and the response to it?

11 A I would imagine that that is the letter
12 that I'm -- that's the phone call that I'm referring
13 to here where I spoke for approximately one hour with
14 Ernest Sanchez and his assistant.

15 Q You spoke with them both? You spoke with
16 them together?

17 A Yes. That's what I'm saying in this memo.
18 I had an approximately one-hour call with Ernie
19 Sanchez and his associate, Susan Jenkins. So perhaps
20 at some point, I -- it was a call and whether they
21 were -- they may have both been on it at the same time
22 or one was on it and then the other was on it.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Q Now you had -- was it just one phone call
2 or did you have more than one phone call?

3 A I can't -- I don't recall what -- how many
4 conversations -- that I had more than one call with
5 them. My immediate recollection was the next day
6 where I said I had a one-hour phone call. So, if
7 there was more calls, I don't recall if there was more
8 than one.

9 Q Now, in terms of the email, EB 27, the
10 last sentence, which states "The conversation related
11 to what documents were or should be in KALW's public
12 file" and then it goes "ownership reports, quarterly
13 issue reports and donor lists," did there -- did you
14 tell Nicole Sawaya on or about April 3 -- April 2 or
15 April 3, what issues programs lists were in the public
16 file at that point?

17 A I don't recall at this point what --
18 having that conversation with her. I -- my
19 recollection is by that time, the public file was in
20 her office. We had moved the documents from the
21 public file from that four-drawer file cabinet out in
22 the outer office and they'd been moved into her

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 office.

2 Given the space of that office, I imagine
3 that she was aware of the public -- the status of the
4 Public File documents we'd been preparing by that
5 time. It seemed from her March 26 email to Ernie that
6 she was aware of it where she mentions the Public
7 File.

8 Q I'd like to now direct your attention to
9 SFUSD Exhibit No. 9.

10 JUDGE SIPPEL: Why don't we -- let's go
11 off the record while he reads.

12 (Whereupon, the above-entitled matter went
13 off the record at 4:45 p.m. and resumed at 4:46 p.m.)

14 MR. SHOOK: Did you create SFUSD Exhibit
15 No. 9?

16 THE WITNESS: I created this email. Yes,
17 I did.

18 MR. SHOOK

19 Q Could you tell us how you derived the
20 information that appears in the Exhibit?

21 A Well, this -- the information that's
22 contained here all happened and relates to a time when

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com